

Message Text

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ACTION ARA-20

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TO SECSTATE WASHDC 9782

C O N F I D E N T I A L LIMA 3095

E.O. 11652: GDS

TAGS: PGOV, PINT, PE

SUBJ: FAA SECTION 32 - POLITICAL PRISONERS

REF: STATE 068545; LIMA A-21

STATE PASS AID

1. SUMMARY: WHILE THE MILITARY GOVERNMENT HAS VIOLATED THE HUMAN RIGHTS OF SOME PERUVIANS BY ARBITRARY DETENTIONS AND DEPORTATIONS, THE EMBASSY DOES NOT BELIEVE THAT THE NUMBER OF SUCH VIOLATIONS IS SUFFICIENTLY "SUBSTANTIAL" (PARA 5C OF REFTTEL) TO MERIT A DENIAL OF ECONOMIC ASSISTANCE TO PERU.

2. SINCE 1968, WHEN THE PRESENT MILITARY GOVERNMENT OVERTHREW AN ELECTED PRESIDENT AND SET ASIDE PARTS OF THE 1933 CONSTITUTION, PERU HAS BEEN UNDERGOING VAST AND BASIC SOCIAL AND ECONOMIC CHANGE. THIS HAS BEEN ACCOMPLISHED WITH SURPRISINGLY LITTLE VIOLENCE NOTWITHSTANDING SOMETIMES SERIOUS OPPOSITION TO THE GOVERNMENT, AS IN THE CASE OF LAND REFORM. UP TO NOW, THE MILITARY GOVERNMENT HAS MANAGED TO COW ITS OPPONENTS BY SLECTIVE DEPORTATIONS, THE ARREST OF
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CERTAIN LABOR AND POLITICAL ACTIVISTS, AND ELIMINATING THE

PERUVIAN CONGRESS AND BY CONTROLLING THE COURTS AND TO A LESSER EXTENT THE PRESS.

3. THE QUESTION OF LEGAL REMEDIES IS SOMEWHAT BESIDE THE POINT IN REVOLUTIONARY PERU. BOTH PRESIDENT VELASCO AND HIS APPOINTED CHIEF JUSTICES HAVE STATED PUBLICLY THAT THE REVOLUTIONARY STATUTE SUPERCEDES THE 1933 CONSTITUTION WHEN THERE IS CONFLICT BETWEEN THE TWO. THIS WAS MOST CLEARLY ILLUSTRATED WHEN HABEAS CORPUS WAS DENIED TO RAYMUNDO DUHARTE (REFAIR) ON THE GROUNDS THAT HE OPPOSED THE REVOLUTION AND HAD THEREFORE VIOLATED THE STATUTE. DUHARTE WAS PREVENTED FROM RETURNING TO PERU AFTER A TRIP ABROAD.

4. THE MILITARY GOVERNMENT HAS TENDED TO DEAL WITH ITS MOST PROMINENT OPPONENTS BY INSTITUTING TAX AUDITS AND BY DEPORTATION. THERE ARE PERHAPS TWELVE PERUVIANS CURRENTLY LIVING IN FORCED EXILE. MANY OTHER PERUVIANS INCLUDING PROMINENT FIGURES IN THE FORMER BELAUNDE REGIME WHICH WAS OUSTED BY THE MILITARY GOVERNMENT, HAVE CHOSEN EXILE VOLUNTARILY AS A RESULT OF DIFFERENCES WITH THE GOVERNMENT.

5. WHILE THE EMBASSY CANNOT ESTIMATE ACCURATELY HOW MANY PERUVIANS MAY BE SUFFERING POLITICAL DETENTION, THE NUMBER HAS DECREASED MARKEDLY IN THE PAST FEW WEEKS. EARLIER, AROUND 100 TEACHERS WERE BEING HELD WITHOUT FORMAL CHARGES AS A RESULT OF AN "ILLEGAL" STRIKE IN OCTOBER 1973. PERHAPS 25 TEACHERS REMAIN UNDER DETENTION. IN ADDITION, THERE IS A SCATTERING OF IMPRISONED TRADE UNION ACTIVISTS AND FAR LEFTIST ELEMENTS, SOME ACCUSED OF UNPROVEN TERRORIST AND SUBVERSIVE ACTS.

6. COMMENT: SO FAR, THE MILITARY GOVERNMENT WITH ITS MONOPOLY OF FORCE AND CONTROL OVER THE COURTS AND PRESS HAS NOT REALLY HAD TO RESORT TO MASSIVE POLITICAL IMPRISONMENT OR DEPORTATION IN ORDER TO REMAIN IN POWER. NONETHELESS, BY THE STANDARDS ESTABLISHED BY THE UNIVERSAL DECLARATION OF HUMAN RIGHTS SOME OF THOSE RIGHTS

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HAVE CLEARLY BEEN VIOLATED IN PARTICULAR INSTANCES.

7. IT WOULD BE UNFAIR TO THIS GOVERNMENT TO ACCUSE IT OF MASSIVE REPRESSION AND NAIVE TO THINK THAT ANY REPRESENTATIONS ON OUR PART MIGHT PERSUADE THE MILITARY GOVERNMENT TO SHOW MORE CONCERN FOR HUMAN RIGHTS. INSTEAD, WE WOULD BE ACCUSED OF INTERFERENCE IN PERUVIAN DOMESTIC POLITICAL AFFAIRS. AS FOR

CUTTING OFF OR CURTAILING AID, WE HAVE AMPLE
EXPERIENCE IN PERU THAT SUCH ACTIONS HAVE HAD LITTLE
EFFECT ON HOW THIS COUNTRY IS RULED AND HAVE SIMPLY
SERVED TO DAMAGE OTHER MORE "MATERIAL" AMERICAN INTERESTS.
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